

APPEAL NO. 020927
FILE MAY 14, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on March 19, 2002. The hearing officer concluded that the appellant's (claimant) compensable injury of _____, does not include an injury to either her lower back or right hip and that the respondent (carrier) "has not waived the right to contest compensability of the extent of injury to the lower back and right hip." The claimant requests our review of the extent-of-injury determination, asserting that the evidence did establish that she injured not only her left knee but also her low back and right hip on _____. The carrier has filed a response, urging the sufficiency of the evidence to support the challenged determination.

DECISION

Affirmed.

The claimant testified that on _____, while working in the employer's bookstore, she injured not only her left knee, an injury which was accepted by the carrier, but also her low back and right hip. She stressed that she had worked in the bookstore for 21 years, often pushing heavy boxes of books around the floor with her feet, and that she did not have low back and right hip pain before the incident on _____. She also stated that she continued working there until late in March 1998. Dr. C, an orthopedic surgeon who treated the claimant, wrote on December 5, 2000, that he had spoken with the claimant on the telephone that day and that "I really have a lot of trouble stating that her back and hip pain is related to her work or work injury or subsequent problems with her knee," and that "to say the least, she is very unhappy about this."

The claimant had the burden of proving with a preponderance of the evidence that her low back and right hip were injured in the incident at work on _____. The hearing officer is the sole judge of the weight and credibility of the evidence and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). We are satisfied that the hearing officer's determination of the appealed issue is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TRANSCONTINENTAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C T CORPORATION
350 N. ST. PAUL STREET
DALLAS, TEXAS 75201.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Robert W. Potts
Appeals Judge